

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

01-*R*-0167

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$1,000.00 IN SETTLEMENT OF THE CLAIM
OF MATTHEW HUMPHREYS AGAINST THE CITY OF
ATLANTA AND FOR OTHER PURPOSES**

WHEREAS, Matthew Humphreys has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by Officer Kimberly Coll, an employee of the Department of Public Safety, and Mr. Humphreys' vehicle; and

WHEREAS, the collision occurred when the City employee was following too closely and rear ended the claimant's vehicle; and

WHEREAS, the claimant has asserted damages in the amount of \$3,780.30, but has agreed to accept the sum of \$1,000.00 in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of Matthew Humphreys be settled for the sum of \$1,000.00.

WHEREAS, this claim was previously denied by City Council on September 5, 2000.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 00-R-1384 be hereby rescinded and that \$1,000.00 be paid by the City of Atlanta in satisfaction of any and all claims Matthew Humphreys may have stemming from damages sustained as a result of a vehicular collision that occurred at 10th Street and Atlantic Drive on or about May 7, 2000.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0350

Date: February 1, 2001

Claimant /Victim MATTHEW HUMPHREYS
BY: (Atty) _____
Address: 1252 Francis Street, Atlanta, Georgia 30318
Subrogation: _____ Claim for Property damage \$ 3,780.30 Bodily Injury \$ _____
Date of Notice: 06/04/99 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 05/07/99 Place: 10th Street and Atlantic Drive
Department POLICE Division: _____
Employee involved Kimberly Coll Disciplinary Action: Pending

NATURE OF CLAIM: The driver of the City vehicle was following too closely and rear-ended the claimant's vehicle causing damages in the above amount. The claimant had earlier rejected the City's settlement offer and has now changed his mind and accepted the City's settlement offer.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,000.00 Adverse X Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 02-01-01
Committee Action: _____ Council Action _____